

REMARKS/ARGUMENTS

Upon entry of the above claim amendments, Claims 1-15, 17, 19, and 21-24 are pending in the present application. Claim 20 has been canceled.

Claim 19 has been amended in this paper. In particular, Claim 19 is amended to recite a method of treating specific diseases using the compounds of the invention. Support for the amendment can be found in previously presented claim 20 and throughout Applicants' specification, for example, at pages 28-30 of the application as originally filed.

No new matter has been added in the above claim amendments.

Applicants respectfully reserve the right to pursue any non-elected, canceled or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Reconsideration and withdrawal of the rejections of this application in view of the amendments and remarks herewith, are respectfully requested, as the application is in condition for allowance.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 19-21 stand rejected under 35 U.S.C. 112, First Paragraph, as allegedly failing to provide enablement for a method of treating acute and chronic inflammatory, ischaemic and remodelling processes in general. Applicants respectfully disagree.

Nonetheless, solely for the purpose of advancing prosecution, Claim 19 (together with its dependent claims) has been amended in this paper to recite a method of treating chronic obstructive pulmonary disease or acute myocardial infarction by administering the compounds of the invention as suggested by the Examiner. Applicants respectfully submit that the claims as amended are fully enabled by the Applicants' specification.

Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, First Paragraph, is respectfully requested.

Double-Patenting Rejections

Claims 1-15, 17, and 19-24 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting over pending claims of each of co-pending U.S. Patent Application Nos. 10/590,786 ('786) and 10/590,770 ('770).

The present application is the national stage of PCT/EP2003/009525. The PCT filing date for this application is August 28, 2003 and the PCT 371(c) date is October 21, 2005.

The '786 application is the national stage of PCT/EP05/001487. The PCT filing date for the '786 publication is February 15, 2005 and the PCT 371(c) date is July 20, 2007.

The '770 application is the national stage of PCT/EP05/001486. The PCT filing date for the '786 publication is February 15, 2005 and the PCT 371(c) date is June 18, 2007.

As such, the present application should be considered the earlier-filed of the three applications.

As both the '786 and '770 applications have not yet issued as patents, the rejection is a "provisional" obviousness-type double patenting (ODP) rejection. According to M.P.E.P. §804 (I)(B)(1), if "provisional" ODP rejections in two applications are the only rejections remaining in those applications, *the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer*" (emphasis added).

Since the present application is the earlier-filed application among the three applications, Applicants respectfully request the provisional double-patenting rejection be withdrawn and the application advanced to issuance.

CONCLUSIONS

For at least the above reasons, Applicants believe that the application is now in condition for allowance. Early and favorable consideration of the application is earnestly solicited.

Should the Examiner consider that obstacles to allowance persist, a telephone call to one of the undersigned representatives is respectfully requested.

Applicants conditionally request any extension of time needed to ensure consideration of this response. Although it is believed that no fee is required for filing this response, the Director is authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 82439 (303989).

Dated: March 30, 2009
Customer Number: 21874

Respectfully submitted,

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